

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA *ex rel.*  
ELLSWORTH ASSOCIATES, LLP,

Plaintiff-Relator,

v.

CVS HEALTH CORPORATION, *et al.*,

Defendants.

Case No.: 2:19-cv-02553-JMY

**RELATOR'S CROSS MOTION THAT THE COURT SET A RULE 16 CONFERENCE  
AND COMMENCE DISCOVERY**

Should the Court grant Defendants' Motion to Amend the Court's Order Unsealing the Second Amended Compliant (ECF No. 40), Relator respectfully requests that the Court enter an order setting a Rule 16 conference, direct the parties to commence discovery immediately, and require the parties to conduct substantial discovery before the Rule 16 conference.

The reasons for the requested relief are set forth in the accompanying Memorandum of Law, which is incorporated by reference as if fully set forth herein.

Dated: October 20, 2022

/s/ W. Scott Simmer  
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**CERTIFICATE OF SERVICE**

I certify that on October 20, 2022, this document was filed electronically, that it is available for viewing and downloading from the ECF system, and that all counsel of record will be served by the ECF system.

/s/ W. Scott Simmer